

Senate File 2304 - Enrolled

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SENATE FILE 2304

AN ACT

RELATING TO INDIGENT DEFENSE CLAIMS AND THE REIMBURSEMENT
OF COSTS IN JUVENILE CASES PAID BY A COUNTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 13B.1, Code 2005, is amended by adding
the following new subsection:

NEW SUBSECTION. 1A. "Claimant" means an attorney or other
person seeking reimbursement of costs or fees payable from the
appropriations under section 815.11.

Sec. 2. Section 13B.4, subsection 4, paragraph c,
subparagraphs (3), (4), and (5), Code Supplement 2005, are
amended to read as follows:

(3) Request additional information or return the claim to
the ~~attorney claimant~~, if the claim is incomplete.

(4) If any portion of the claim is excessive, notify the
~~attorney claimant~~ that the claim is excessive and will be
reduced to an amount which is not excessive, and reduce and
approve the balance of the claim.

(5) If any portion of the claim is not payable within the
scope of appointment of the ~~attorney claimant~~, notify the
~~attorney claimant~~ that a portion of the claim is not within
the scope of appointment and is not payable, deny those
portions of the claim that are not payable, and approve the
balance of the claim.

Sec. 3. Section 13B.4, subsection 4, paragraph d, Code
Supplement 2005, is amended to read as follows:

d. Notwithstanding chapter 17A, the ~~attorney claimant~~ may
seek review of any action or intended action denying or
reducing any claim by filing a motion with the court with
jurisdiction over the original appointment for review.

(1) The motion must be filed within twenty days of any
action taken by the state public defender.

(2) The motion shall be set for hearing by the court and
the state public defender shall be provided with at least ten
days' notice of the hearing. The state public defender shall
not be required to file a resistance to the motion filed under
this paragraph "d".

(3) The state public defender or the ~~attorney claimant~~ may
participate by telephone. If the state public defender
participates by telephone, the state public defender shall be
responsible for initiating and paying for all telephone
charges.

(4) The filing of a motion shall not delay the payment of
the amount approved by the state public defender.

(5) If a claim or portion of the claim is denied, the
action of the state public defender shall be affirmed unless
the action conflicts with a statute or an administrative rule
~~or the law~~.

(6) If the claim is reduced for being excessive, the
~~attorney claimant~~ shall have the burden to establish by a
preponderance of the evidence that the amount of compensation
and expenses is reasonable and necessary ~~to competently~~
~~represent the client~~.

(7) The decision of the court following a hearing on the
motion is a final judgment appealable by the state public
defender or the claimant.

~~(7)~~ (8) Any court order entered after the state public
defender has taken action on a claim, which affects that
claim, without first notifying the state public defender and
permitting the state public defender an opportunity to be
heard, is void.

Sec. 4. Section 13B.4, subsections 6 and 7, Code
Supplement 2005, are amended to read as follows:

6. The state public defender is authorized to contract
with county attorneys to provide collection services related
to court-ordered indigent defense restitution ~~of court-~~
~~appointed attorney fees or the expense of a public defender.~~

7. The state public defender shall not revise the
allocations to the office of the state public defender and the

3 4 allocations for fees of court-appointed attorneys for indigent
3 5 defense of adults and juveniles, unless prior notice of the
3 6 revisions is given ~~prior to their effective date~~ to the
3 7 legislative services agency, the cochairpersons and ranking
3 8 members of the joint appropriations subcommittee on the
3 9 justice system, and the cochairpersons and ranking members of
3 10 the house and senate committees on appropriations.

3 11 Sec. 5. Section 232.141, subsection 2, Code 2005, is
3 12 amended to read as follows:

3 13 2. All of the following juvenile court expenses are a
3 14 charge upon the county in which the proceedings are held, to
3 15 the extent provided in subsection 3:

3 16 a. ~~The fees and mileage of witnesses and the expenses of~~
3 17 ~~officers serving notices and subpoenas which are Juvenile~~
3 18 ~~court expenses~~ incurred by an attorney appointed by the court
3 19 to serve as counsel to any party or to serve as a guardian ad
3 20 litem for any child, including fees and expenses for foreign
3 21 language interpreters, costs of depositions and transcripts,
3 22 fees and mileage of witnesses, and the expenses of officers
3 23 serving notices and subpoenas.

3 24 b. Reasonable compensation for an attorney appointed by
3 25 the court to serve as counsel to any party or as guardian ad
3 26 litem for any child in juvenile court.

3 27 c. Fees and expenses incurred by the juvenile court for
3 28 foreign language interpreters for court proceedings.

3 29 Sec. 6. Section 232.141, subsection 3, paragraphs c and d,
3 30 Code 2005, are amended to read as follows:

3 31 c. ~~Costs incurred for compensation of an attorney~~
3 32 ~~appointed by the court to serve as counsel to any party or as~~
3 33 ~~guardian ad litem for any child shall be paid in accordance~~
3 34 ~~with sections 13B.4 and 815.7 The county, on an annual basis,~~
3 35 ~~shall pay to the indigent defense fund created under section~~
4 1 ~~815.11 the amount of the county's base cost as determined in~~
4 2 ~~accordance with this subsection.~~

4 3 d. Costs incurred under subsection 2 shall be paid by the
4 4 state from the appropriations to the indigent defense fund
4 5 under section 815.11 in accordance with this chapter, chapter
4 6 815, and the rules adopted by the state public defender. The
4 7 county shall be required to reimburse the indigent defense
4 8 fund for costs incurred by the state up to the county's base
4 9 in this subsection.

4 10 Sec. 7. Section 622A.1, Code 2005, is amended to read as
4 11 follows:

4 12 622A.1 DEFINITION.

4 13 As used in this chapter, "legal proceeding" means any
4 14 action before any court, or any legal action preparatory to
4 15 appearing before any court, whether civil, or criminal, or
4 16 juvenile in nature; and any administrative proceeding before
4 17 any state agency or governmental subdivision which is quasi=
4 18 judicial in nature and which has direct legal implications to
4 19 any person.

4 20 Sec. 8. Section 815.11, Code Supplement 2005, is amended
4 21 to read as follows:

4 22 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE == FUND
4 23 CREATED.

4 24 Costs incurred under chapter 229A, 665, 822, or 908, or
4 25 section 232.141, subsection 3, paragraph ~~"c"~~ "d", or section
4 26 598.23A, 600A.6B, 814.9, 814.10, 814.11, 815.4, 815.7, or
4 27 815.10 on behalf of an indigent shall be paid from ~~funds~~
4 28 ~~moneys~~ appropriated by the general assembly to the office of
4 29 the state public defender in the department of inspections and
4 30 appeals ~~for those purposes and deposited in an account to be~~
4 31 ~~known as the indigent defense fund.~~ Costs incurred
4 32 representing an indigent defendant in a contempt action, or
4 33 representing an indigent juvenile in a juvenile court
4 34 proceeding under chapter 600, are also payable from ~~these~~
4 35 ~~funds the fund.~~ However, costs incurred in any administrative
5 1 proceeding or in any other proceeding under chapter 598, 600,
5 2 600A, 633, 814, 815, or 915 or other provisions of the Code or
5 3 administrative rules are not payable from ~~these funds the~~
5 4 ~~fund.~~

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JEFFREY M. LAMBERTI
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

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5 16 I hereby certify that this bill originated in the Senate and
5 17 is known as Senate File 2304, Eighty-first General Assembly.

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5 21 _____
5 22 MICHAEL E. MARSHALL
5 23 Secretary of the Senate

5 23 Approved _____, 2006

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5 26 _____
5 27 THOMAS J. VILSACK
5 28 Governor